



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

RECEIVED

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DONNA APISA, CHAIR
HELEN COX, VICE CHAIR
GERALD AKO, MEMBER
MELVIN CHIBA, MEMBER
FRANCIS DEGRACIA, MEMBER
GLENDA NOGAMI-STREUFERT, MEMBER
LORI OTSUKA, MEMBER

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

The meetings of the Kaua'i Planning Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Planning Commissioners, Planning Department Staff, parties to agenda items, and resource individuals may appear via the ZOOM remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note video production services or enhancements will not be available.
- **Written testimony** may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kauai County Planning Department 4444 Rice Street., Ste A473, Lihue, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken during the public hearing portion of the meeting via **Zoom remote** technology platform. Anyone interested in providing oral must register for the meeting. Once you register for the meeting, you will receive the meeting link that is unique to each registrant that cannot be shared.
 - It shall be the responsibility of the testifier to join the meeting through the **Zoom** link provided via E-mail to provide their oral testimony. In addition, it shall be the responsibility of the testifier to ensure that the **Zoom** software is downloaded and operational prior to the meeting.
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
 - After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/Webcast-Meetings.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission's website upon completion and approval.

**PLANNING COMMISSION TELECONFERENCE MEETING NOTICE AND
AGENDA**

**Tuesday, January 11, 2022
9:00 a.m. or shortly thereafter**

Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

**Registration Link:
https://zoom.us/webinar/register/WN_cFRs4XQZQV648nDZw41B7A**

- A. CALL TO ORDER
- B. ROLL CALL
- C. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON
APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON AND VICE CHAIRPERSON
- D. APPROVAL OF AGENDA
- E. MINUTES of the meeting(s) of the Planning Commission
 - 1. August 10, 2021
 - 2. September 14, 2021
- F. RECEIPT OF ITEMS FOR THE RECORD
- G. HEARINGS AND PUBLIC COMMENT. The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, January 10, 2022, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, January 10, 2022, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

Oral testimony will be taken at the beginning of the meeting on any agenda item via the Zoom remote technology platform. Once you register for the meeting, you will receive the meeting link that is unique to each registrant that cannot be shared. It shall be the responsibility of the testifier to register for the Zoom meeting and ensure that the Zoom software is downloaded prior to the meeting. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.

1. Continued Agency Hearing
2. New Agency Hearing
3. Continued Public Hearing
4. New Public Hearing
5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

H. CONSENT CALENDAR

1. Status Reports
2. Director's Report for Project Scheduled for Agency Hearing

I. EXECUTIVE SESSION

EXECUTIVE SESSION: The Commission may go into executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawai'i Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

1. Pursuant to Hawai'i Revised Statutes Section 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Commission and the County as they relate to the matter of: Petition to Appeal of the Planning Director's Decision Related to the Planning Director's Second and Final Notice of Violation & Order to Pay Fines for construction of a dust screen/wall without permits on property situated in Waipouli, Kauai, ***SPD II Makaiwa Resort Development LLC***, Tax Map Key (4) 4-3-002: 15, 16 and 20, received on November 30, 2021, for referral to Board and Commissions as Contested Case File No. CC-2022-2.

J. GENERAL BUSINESS MATTERS

1. Petition to Appeal of the Planning Director's Decision Related to the Planning Director's Second and Final Notice of Violation & Order to Pay Fines for construction of a dust screen/wall without permits on property situated in Waipouli, Kauai, ***SPD II Makaiwa Resort Development LLC***, Tax Map Key (4) 4-3-002: 15, 16 and 20, received on November 30, 2021, for referral to Board and Commissions as Contested Case File No. CC-2022-2.

- a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Second and Final Notice of Violation & Order to Pay Fines for construction of a dust screen/wall without permits on property situated in Waipouli, Kauai, SPD II Makaiwa Resort Development LLC, Tax Map Key (4) 4-3-002: 15, 16 and 20, received on November 30, 2021, for referral to Board and Commissions as Contested Case File No. CC-2022-2.
2. Request to Amend Special Management Area Use Permit SMA(U)-2005-04, Project Development Use Permit P.D. U-2005-7, and Class IV Zoning Permit Z-IV-2005-7, Tax Map Key: (4) 2-1-010-062, CPRs 0001-0075, Port Allen, Kauai= **Ahe Group**.
 - a. Director's Report pertaining to this matter.

K. COMMUNICATION

L. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached)

M. UNFINISHED BUSINESS (For Action)

N. NEW BUSINESS (For Action)

O. ANNOUNCEMENTS

1. Topics for Future Meetings.
2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on February 8, 2022. The Planning Commission anticipates meeting via teleconference, but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

P. ADJOURNMENT

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
MELVIN CHIBA, VICE CHAIR
GERALD AKO, MEMBER

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**SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND
AGENDA**

**Tuesday, January 11, 2022
8:30 a.m. or shortly thereafter**

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Registration Link:
https://zoom.us/webinar/register/WN_cFRs4XQZQV648nDZw41B7A

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. August 10, 2021
2. September 14, 2021

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, **January 10, 2022**, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, **January 10, 2022**, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

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G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Map Approval

- a. Subdivision Application No. S-2022-6
(Kukui'ula Development Co., LLC.)
Kukui'ula Parcel HH Subdivision
Proposed 51-lot Subdivision
TMK: (4) 2-6-019: 026, 029 & 031
Kōloa, Kaua'i

1) Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2022-7
(Tink Tank, LLC.)
Proposed 2-lot Boundary Adjustment
TMK: (4) 2-1-003: 016 & 031
Ele'ele, Kōloa, Kaua'i

1) Subdivision Report pertaining to this matter.

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Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

January 11, 2022

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-21	Brad and Elizabeth Burns	4-5-002:003	Kapa'a	ATF deck additions, shed, and renovation to existing residence. / 114 foot required setback, 260-foot proposed setback
SSD-2022-22	Edmund Gregoire	2-6-011:019	Kōloa	Roof addition. Rocky shoreline, addition located mauka and 75 feet from certified shore.
SSD-2022-23	Juan Pablo Garcia-Neveu	1-3-005:045	Kekaha	Renovation/ bedroom, entertainment room additions/Unsubstantial work, Required setback 115 feet, proposed development 325 feet
SSD-2022-24	David H. and Mary Frances Kepon	4-9-004:024	Anahola	Deck addition/ 123 feet required setback from shoreline, proposed addition 216 feet from shoreline